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In re Application of :
ROSENBAUM et al. :
Application No.: 09/202,759 :
PCT No.: PCT/EP97/02167 :
Inter. Filing Date: 22 June 1997 :
Priority Date: None :
Attorney Docket No.: 1996PO8661WOU :
For: METHOD OF PROCESSING POSTAL :
MATTERS :

DECISION ON PETITION

This is a decision on applicant's "Petition for Change of the Order of Inventors" filed 27 November 2003 which being treated as a Petition under 37 CFR 1.182. The petition fee has been charged to Deposit Account no. 50-2464.

On 22 December 1998, applicants timely filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee.

In response to the Notification of Missing Requirements mailed 28 October 1999 by the United States Designated/Elected Office, applicants filed a declaration and a translation of international application on 28 February 2000.

On 13 March 2000, a Notification of Acceptance was issued identifying the 35 U.S.C.102(e) and 371(c) date as 28 February 2000. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 28 February 2000.

On 27 November 2003, applicants filed "Petition for Change of the Order of Inventors" and the application was forwarded to the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

On 11 March 2004, applicants filed a supplemental declaration and power of attorney.

DISCUSSION

A. Defective Declaration under 37 CFR 1.497

The above-identified application has been forwarded to the Office of PCT Legal

Administration for issues arising under 35 U.S.C. 371. A review of the application file and other Patent and Trademark Office records reveal that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the United States Designated/Elected Office on 13 March 2000. Specifically, the declaration submitted on 28 February 2000 was not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify each inventor and the residence and country of citizenship of each inventor. Here, the declaration does not include the citizenship of the second inventor, Walter Rosenbaum. Since, the declaration does not clearly identify the citizenship of inventors, it is considered defective under 37 CFR 1.497(a)(3). Therefore, the Notification of Acceptance mailed 13 March 2000 identifying the 35 U.S.C.102(e) and 371(c) date as 28 February 2000 is hereby vacated.

The supplemental declaration filed on 11 March 2004 is in compliance with 37 CFR 1.497(a)(3) and 35 U.S.C. 371(c)(4).

B. Petition under 37 CFR 1.182

Applicants request that the order of the inventors be changed from: Karl-Gunther Hansel and Walter Rosenbaum; to Walter Rosenbaum and Karl-Gunther Hansel. The petition under 37 CFR. 1.182 is granted.

CONCLUSION

The Notification of Acceptance mailed 13 March 2000 identifying the 35 U.S.C.102(e) and 371(c) date as 28 February 2000 is hereby vacated.

The Petition for Change of the Order of Inventors under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for the mailing of a new Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of **11 March 2004** under 35 U.S.C. 371(c) and for issuing a corrected filing receipt showing such date and changing the order of the names of the inventor.

Thereafter, this application will be forwarded to the Issue Branch for further processing.



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